

Introduced by Senator Calderon

February 19, 2010

An act to amend Sections 60300, 60305, 60306, 60309, 60315, 60316, 60317, 60317.5, and 60325 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1412, as introduced, Calderon. Water replenishment districts.

(1) The Water Replenishment District Act provides for the formation of water replenishment districts. The act grants authority to a water replenishment district relating to the replenishment, protection, and preservation of groundwater supplies within that district. The act requires the board of directors of a water replenishment district to prepare annually an engineering survey and report that includes information relating to the groundwater supplies within the district. The act requires the board to make certain determinations in connection with a decision to impose a water replenishment assessment to purchase replenishment water or to remove contaminants from the groundwater supplies of the district. The act requires the water replenishment assessment to be fixed at a uniform rate per acre-foot of groundwater produced within the district.

This bill, instead, would require information in that engineering survey and report, and those related determinations, to pertain to the groundwater in each basin within the district. The board of directors of a water replenishment district, upon determining to impose a water replenishment assessment on the production of groundwater from each groundwater basin, would be required, except as otherwise provided, to impose the assessment in an amount that is calculated to pay for costs that include the actual costs of replenishing the groundwater basin, removing contaminants from the groundwater basin, and the

administrative costs of the district. The charge would be required to be fixed at a uniform rate. The bill would make other conforming changes. By establishing these requirements on a water replenishment district, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 60300 of the Water Code is amended to
2 read:
3 60300. Not later than the second Tuesday in February of each
4 year, the board shall order an engineering survey and report to be
5 made regarding the ~~ground-water~~ groundwater supplies of the
6 district. The ~~same~~ engineering survey and report shall include,
7 among all other information and data ~~which~~ that the board may
8 require, the following:
9 (1)
10 (a) Records, data, and other information for the consideration
11 of the board in its determination of the annual overdraft;
12 (2)
13 (b) Records, data, and other information for the consideration
14 of the board in its determination of the accumulated overdraft as
15 of the last day of the preceding water year;
16 (3)
17 (c) A report, with supporting data, as to the total production of
18 ~~ground-water~~ groundwater from the ~~ground-water~~ groundwater
19 supplies within the water replenishment district during the
20 preceding water year;
21 (4)
22 (d) A report, with supporting data, as to the changes during the
23 preceding water year in the pressure levels or piezometric heights
24 of the ~~ground-water~~ groundwater contained within pressure-level

1 areas of the *water* replenishment district, and as to the effects
2 thereof upon ~~the ground-water supplies~~ *each groundwater basin*
3 ~~within such the water~~ replenishment district;.

4 ~~(5)~~

5 (e) An estimate of the annual overdraft for the current water
6 year and for the ensuing water year;.

7 ~~(6)~~

8 (f) An estimate of the accumulated overdraft as of the last day
9 of the current water year;.

10 ~~(7)~~

11 (g) An estimate of the total production of ~~ground-water~~
12 ~~groundwater from the ground-water supplies~~ *each groundwater*
13 *basin* within the *water* replenishment district for the current water
14 year and for the ensuing water year;.

15 ~~(8)~~

16 (h) An estimate of the changes during the current water year in
17 the pressure levels or piezometric heights of the ~~ground-water~~
18 ~~groundwater~~ contained within pressure-level areas of *each*
19 *groundwater basin* within the *water* replenishment district, and of
20 the effects thereof upon ~~the ground-water supplies~~ *each*
21 *groundwater basin* within ~~such the water~~ replenishment district;.

22 ~~(9)~~

23 (i) An estimate of the quantity, source, and cost of water
24 ~~available for needed to replenish the groundwater in each basin~~
25 ~~within the water replenishment of the ground-water supplies district~~
26 during the ensuing water year under the provisions of Section
27 60315.

28 (j) *An estimate of the total costs, including program and*
29 *administrative costs, of the district during the ensuing water year.*

30 SEC. 2. Section 60305 of the Water Code is amended to read:

31 60305. (a) On or before the second Tuesday in March of each
32 year, and provided the *engineering* survey and report ~~called for~~
33 ~~required~~ by Section 60300 has been made, the board, by resolution,
34 shall declare whether funds shall be raised to purchase water for
35 *the replenishment of any groundwater basin within the district*
36 during the next ensuing fiscal year and whether the funds shall be
37 raised ~~either by (a) a~~ *by any of the following:*

38 (1) A water charge, as provided in Chapter 2 (commencing with
39 Section 60245) of Part 5; ~~(b) a.~~

1 (2) A general assessment, as provided in Chapter 3 (commencing
2 with Section 60250) of Part 5, ~~(e)—a.~~

3 (3) A replenishment assessment as provided in this chapter, ~~or~~
4 ~~(d)—a.~~

5 (4) A combination of any two or more of the ~~foregoing charge~~
6 ~~or assessments described in this subdivision~~, and whether the funds
7 ~~so~~ to be raised, whether by a water charge, a general assessment,
8 a replenishment assessment or a combination of those means, will
9 benefit, directly or indirectly, all of the persons or real property
10 and improvements ~~within the district overlying the groundwater~~
11 ~~basin for which replenishment water is proposed to be purchased.~~
12 ~~The~~

13 (b) The resolution shall also declare whether funds shall be
14 raised to remove contaminants from ~~any groundwater supplies~~
15 ~~basin within the district~~ during the next ensuing fiscal year or to
16 exercise any other power under Section 60224, and whether funds
17 for that purpose shall be raised by a replenishment assessment as
18 provided in this chapter, with a ~~like~~ statement of benefit *similar*
19 *to that set forth in subdivision (a).*

20 SEC. 3. Section 60306 of the Water Code is amended to read:

21 60306. (a) If the board, by resolution, determines that all or a
22 portion of the funds needed to purchase replenishment water, ~~for~~
23 ~~any groundwater basin within the district, or to remove~~
24 ~~contaminants from the groundwater supplies of basin within the~~
25 ~~district, or to exercise any other power under Section 60224 with~~
26 ~~regard to any groundwater basin within the district~~, shall be raised
27 by the levy of a replenishment assessment, ~~then~~ the board shall
28 immediately publish a notice that a public hearing will be held on
29 the second Tuesday of April for the purpose of determining whether
30 and to what extent the estimated costs thereof for the ensuing year
31 shall be paid for by a replenishment assessment *imposed upon the*
32 *production of water from the affected groundwater basin.* ~~The~~

33 (b) The notice shall contain a copy of the ~~board's~~ resolution, the
34 time and place of the hearing, and an invitation to all interested
35 parties to attend and be heard in support of or opposition to the
36 proposed assessment, the engineering survey and report, and the
37 ~~board's~~ *board's* determination, and shall invite inspection of the
38 engineering survey and report upon which the board acted. The
39 notice shall be published in each affected county pursuant to

1 Section 6061 of the Government Code, at least 10 days before the
2 hearing date.

3 SEC. 4. Section 60309 of the Water Code is amended to read:

4 60309. All evidence relevant to the engineering survey and
5 report and the board's determination that ~~such~~ a replenishment
6 assessment shall be levied *upon the production of water from a*
7 *groundwater basin within the district* may be introduced.

8 SEC. 5. Section 60315 of the Water Code is amended to read:

9 60315. Upon completing the hearing, but no later than the
10 second Tuesday in May, the board shall, by resolution *adopted*
11 *with regard to the replenishment of any groundwater basin within*
12 *the district*, find all of the following:

13 (a) The annual overdraft *of the groundwater basin* for the
14 preceding water year.

15 (b) The estimated annual overdraft *of the groundwater basin*
16 for the current water year.

17 (c) The estimated annual overdraft *of the groundwater basin*
18 for the ensuing water year.

19 (d) The accumulated overdraft *of the groundwater basin* as of
20 the last day of the preceding water year.

21 (e) The estimated accumulated overdraft *of the groundwater*
22 *basin* as of the last day of the current water year.

23 (f) The total production of groundwater from the groundwater
24 ~~supplies within the district during~~ *basin* for the preceding water
25 year.

26 (g) The estimated total production of groundwater from the
27 ~~groundwater supplies within the district~~ *basin* for the current water
28 year.

29 (h) The estimated total production of groundwater from the
30 ~~groundwater supplies within the district~~ *basin* for the ensuing water
31 year.

32 (i) The changes during the preceding water year in the pressure
33 levels or piezometric heights of the groundwater contained within
34 pressure-level areas of the ~~district~~ *groundwater basin*, and the
35 effects thereof upon the ~~groundwater supplies~~ *water supply* within
36 the ~~district~~ *basin*.

37 (j) The estimated changes during the current water year in the
38 pressure levels or piezometric heights of the groundwater contained
39 within pressure-level areas of the ~~district~~ *groundwater basin*, and

1 the estimated effects thereof upon the groundwater-supplies within
2 the district basin.

3 (k) The quantity of water that should be purchased for the
4 replenishment of the groundwater-supplies of the district basin
5 during the ensuing water year.

6 (l) The source and estimated-cost costs of water available for
7 the replenishment of the groundwater basin.

8 (m) The estimated costs of replenishing the groundwater-supplies
9 basin with the water so purchased.

10 (n) The estimated costs of purchasing, in water years succeeding
11 the ensuing water year, that portion of the quantity of water which
12 should be purchased for the replenishment of the groundwater
13 supplies of the district basin during the ensuing water year, but
14 which is estimated to be unavailable for purchase during the
15 ensuing water year; estimated. Estimated costs shall be based on
16 the estimated price of water for replenishment purposes during the
17 ensuing water year.

18 (o) The estimated rate of the replenishment assessment required
19 to be levied upon the production of groundwater from the
20 groundwater-supplies within the district basin during the ensuing
21 fiscal year for the purposes of accomplishing the replenishment,
22 including the payment of a reasonable, pro rata allocation of the
23 costs, including program and administrative costs, of the district
24 and providing a reserve fund to purchase in future years, when
25 available, that portion of the quantity of water which should be
26 purchased for the replenishment of the groundwater-supplies of
27 the district basin during the ensuing water year, but which is
28 estimated to be unavailable for purchase during that ensuing water
29 year.

30 (p) Whether any contaminants should be removed from any
31 groundwater-supplies basin during the ensuing fiscal year, and
32 whether any other actions under Section 60224 should be
33 undertaken with regard to the groundwater basin during the
34 ensuing fiscal year, the estimated costs thereof, and the estimated
35 additional rate of replenishment assessment required to be levied
36 upon the production of groundwater from the groundwater-supplies
37 within the district basin during the ensuing fiscal year for those
38 purposes.

39 (q) Whether any program for removal of contaminants from the
40 groundwater basin or other actions taken with regard to the

1 *groundwater basin* under Section 60224 should be a multiyear
2 program or is a continuation of a previously authorized multiyear
3 program.

4 (r) The amount, if any, by which the estimated reserve funds
5 on hand at the end of the current fiscal year will exceed the annual
6 reserve fund limit determined pursuant to Section 60290.

7 SEC. 6. Section 60316 of the Water Code is amended to read:

8 60316. Based on the findings pursuant to Section 60315, the
9 board shall, by resolution, determine all of the following:

10 (a) What portion, if any, of the estimated ~~cost~~ *costs* of
11 purchasing water for replenishment *of a groundwater basin within*
12 *the district* for the ensuing fiscal year shall be paid for by a
13 replenishment assessment *levied upon the production of*
14 *groundwater from the basin.*

15 (b) What portion, not exceeding 25 percent of the above portion,
16 of the estimated ~~cost~~ *costs* of purchasing in the future that quantity
17 of water which should be purchased during the ensuing water year
18 *for the replenishment of a groundwater basin within the district,*
19 but which is estimated to be unavailable during that year, shall be
20 raised by a replenishment assessment *levied upon the production*
21 *of groundwater from the basin.*

22 (c) What portion of the estimated costs of removing
23 contaminants from *any groundwater-supplies basin within the*
24 *district* and of taking other actions under Section 60224 *with regard*
25 *to the groundwater basin* during the ensuing fiscal year shall be
26 paid for by a replenishment assessment *levied upon the production*
27 *of groundwater from the basin.*

28 (d) What portion, if any, of the ~~cost~~ *costs* of a capital
29 improvement project for replenishment *purposes of a groundwater*
30 *basin within the district* shall be paid for by a replenishment
31 assessment *levied upon the production of groundwater from the*
32 *basin.*

33 (e) What portion, if any, of the cost of a capital improvement
34 project undertaken pursuant to Section 60224 *with regard to a*
35 *groundwater basin within the district* shall be paid for by a
36 replenishment assessment *levied upon the production of*
37 *groundwater from the basin.*

38 SEC. 7. Section 60317 of the Water Code is amended to read:

39 60317. (a) If the board determines that a replenishment
40 assessment shall be levied upon the production of groundwater

1 from groundwater supplies within the district during the ensuing
2 fiscal year, immediately following the making of that determination
3 the board shall levy a replenishment assessment on the production
4 of groundwater from ~~the each groundwater supplies basin~~ within
5 the district during the fiscal year commencing on July 1st 1 next;
6 ~~and the.~~

7 (b) (1) *The amount of the replenishment assessment shall be*
8 ~~fixed by the board at a uniform~~ *calculated in an amount to pay for*
9 *costs that include the actual costs of replenishing the groundwater*
10 *basin, the actual costs of removing the contaminants from the*
11 *groundwater basin, including the undertaking of an action under*
12 *Section 60224 on behalf of the groundwater basin, and the*
13 *administrative costs of the district. The rate shall be a uniform*
14 *rate calculated on the basis of the per acre-foot amount of*
15 *groundwater so produced from the basin.* ~~The~~

16 (2) *Notwithstanding paragraph (1), the amount of the*
17 *replenishment assessment calculated for each groundwater basin*
18 *shall not exceed the following amounts in the following years:*

19 (A) ____ (\$____) for 2011

20 (B) ____ (\$____) for 2012.

21 (C) ____ (\$____) for 2013.

22 (c) *The producers of that groundwater shall pay the*
23 *replenishment assessment to the district at the times and in the*
24 *manner provided in this division. That part of the assessment levied*
25 *pursuant to the determination provided in subdivision (c) of Section*
26 *60316, exclusive of any part thereof for district administrative and*
27 *overhead expenses, shall not exceed 50 percent of the average*
28 *assessment levied for the current and four preceding fiscal years*
29 *pursuant to determinations under subdivisions (a) and (b) of Section*
30 *60316, exclusive of any part thereof for district administrative and*
31 *overhead expenses.*

32 SEC. 8. Section 60317.5 of the Water Code is amended to read:

33 60317.5. (a) Except as set forth in this section, nothing in this
34 division prevents the use of district funds from any source for
35 powers and functions authorized under this division. That part of
36 a replenishment assessment levied pursuant to determinations
37 under subdivisions (a) and (b) of Section 60316 shall not be utilized
38 for the direct costs of prevention and removal of contaminants
39 under subdivisions (a) and (b) of Section 60224. ~~Any~~

(b) Any part of a replenishment assessment levied pursuant to a determination under subdivision (c) of Section 60316 ~~which that~~ is not expended may be obligated and expended for other uses authorized by Section 60224 *that benefit the groundwater basin to which the replenishment assessment applies*, after a hearing and findings pursuant to Sections 60306 and 60315. ~~Any~~

(c) Any part of a replenishment assessment levied pursuant to a determination under subdivision (c) of Section 60316 ~~which that~~ remains unexpended and unobligated for five fiscal years after the last obligation thereof, or any shorter period which the board may by resolution determine, shall be deemed to have been levied for other costs and expenses for which a replenishment assessment is authorized under this division. ~~Funds~~

(d) ~~Funds~~ from a replenishment assessment, although restricted as to use, may be loaned for any use ~~for which and benefiting the groundwater basin to which the replenishment assessment applies~~ within the monetary limits for which such an assessment has been levied. Any such loan shall be for a period not longer than 18 months and shall bear interest, as nearly as practicable in the discretion of the board, at the rate which those funds might have otherwise been invested at the time of the loan.

SEC. 9. Section 60325 of the Water Code is amended to read:

60325. (a) The district, after the levying of the replenishment assessment, shall give notice thereof to the operators of all water-producing facilities ~~in the district~~ *overlying the groundwater basin to which the replenishment assessment applies* as disclosed by the records of ~~such the district, which.~~

(b) The notice shall state the rate of replenishment assessment for each acre-foot of ~~ground-water~~ *groundwater* to be produced during the ensuing fiscal year. The notice may be sent by postal card or by other first-class mail with postage prepaid by the district.

SEC. 10. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.